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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/531,743	03/21/2000	Steven Jeromy Carriere	57921/107	7120

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EXAMINER
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ZEENDER, FLORIAN M

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/531,743

Applicant(s)

CARRIERE ET AL.

Examiner

F. Ryan Zeender

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 1-27,31 and 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 28-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/15/2006</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

Applicant's election with traverse of Group IV (claims 28-30) in the reply filed on 2/28/2006 and 6/5/2006 is acknowledged. The traversal is on the ground(s) that: 1) The Examiner did not demonstrate that there is a serious burden in examining all claims, 2) the Examiner did not demonstrate that the claims contain two or more "Independent" inventions, and 3) no supportive reasons to support conclusions in the restriction. This is not found persuasive because: (1) the Examiner did demonstrate that there is a serious burden (See for example the Restriction requirement mailed 1/30/2006, page 3) in that he has indicated that each of inventions I-IV are classified in different classes and the search requirements for any one invention may not be necessary for any other invention. The additional searching is a serious burden on the Examiner. (2) In MPEP 802.01, as referenced by the applicant, in paragraph 5, the last three lines state that dependent inventions may be properly divided if they are "distinct". The Examiner, in his action mailed 5/19/2006, specifically requested the applicant to state on the record that one or more groups of inventions are not patentably distinct, if the applicant so believed. The applicant has not done so, and therefore the Examiner has maintained the restriction requirement, as the Examiner continues to believe the inventions are distinct. Further, the applicant's analysis with respect to the terminology, "independent" and "distinct" is flawed (See MPEP 802.01). (3) The Examiner has provided ample reasoning supporting his restriction requirement. The applicant specifically raises the question of how the method of group I (querying a user) can be practiced without a

"user interface" described in the system. The Examiner notes that the method of querying can be a one-way communication/broadcast without necessitating any kind of interface.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krane '063 in view of Uppaluru '806.

Krane teaches a method of operating an interactive user operated Internet voice portal 7 having established multiple predetermined vertical domains of interest (i.e., talk web menu and book-marks describing a collection of web sites; See Col. 5, lines 39-65); the domains having attributes within (i.e., the actual collection of web sites associated with each domain); responsive to a user placing a telephone call to the voice portal, identifying the user (See for example Col. 3, lines 42-57) and obtaining user selection of a vertical domain of interest (Col. 5, line 39); performing funneling operations (See for example Col. 3, lines 42-57, and Col. 6, lines 40-44) by applying speech recognition to user chosen attribute values (i.e., the selected web site of interest) where recognized answers are limited to contents of a vocabulary set (inherent

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with speech recognition); the user repeatedly choosing an attribute until a bottom level attribute is chosen (i.e., the desired web site is found; Col. 6, lines 40-44); conducting an internet search for prescribed types of information (i.e., search for a desired item in a store catalogue as is well known in Internet surfing; Col. 6, lines 40-44); audibly providing resultant information via the telephone call.

Krane lacks the specific teaching of building a vocabulary set containing top-level attribute values appropriate to the selected vertical domain of interest; repeatedly building an updated vocabulary set appropriate to the latest chosen attribute value.

Uppaluru teaches building vocabulary sets appropriate to a selected domain (See for example Col. 13, lines 24-30) and repeatedly updating the vocabulary set appropriate for a chosen attribute or service (See for example Col. 13, lines 9-23).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Krane to include the specific teaching of building a vocabulary set containing top-level attribute values appropriate to the selected vertical domain of interest, and repeatedly building an updated vocabulary set appropriate to the latest chosen attribute value, in view of Uppaluru, in order to provide words in the speech recognition system that are "specifically tailored to the words more commonly associated with the corresponding service" (See Uppaluru, Col. 13, lines 24-26).

Re claim 29: Krane anticipates the limitation of the funneling being performed if the voice portal has not previously stored any attribute value preferences of the user for a selected vertical domain of interest (i.e., the funneling occurs in Krane whether or not there are bookmarks stored on the system). The funneling operation is additionally

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performed if the voice portal has previously stored any attribute value preferences of the user for a selected vertical domain of interest, but the user has opted to override the stored attribute value preference (i.e., the funneling occurs in Krane if there are stored bookmarks, but the user chooses to choose another/different attribute in from the Talk Web menu).

Re claim 30: Regarding the limitation of the funneling operation being only performed if the voice portal has not previously stored any attribute value preferences of the user for the selected vertical domain of interest: it would have been obvious to one of ordinary skill in the art to modify Krane to include this limitation, in order to be able to find desired sites when the "Talk Web Menu" contains no listing of sites.

Further regarding claim 30, specifically the limitation of: "the operations further comprise, if the voice portal has previously stored any attribute value preferences of the user for the selected vertical domain of interest, instead of the funneling operation, performing an operation of conducting an Internet search for prescribed types of information pertaining to the stored attribute value preferences", the limitation is anticipated by Krane in that the bookmarks provide the attribute value preferences and the site associated with a selected bookmark anticipates the limitation of conducting an Internet search (i.e., the retrieving of the site) for information (i.e., the information on the site) pertaining to the stored attribute value preference (i.e., the selected bookmark).

***Response to Arguments***

Applicant's arguments with respect to all pending claims have either been addressed in the Interview Summary mailed 9/21/2005 or are moot in view of the new ground(s) of rejection.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (703) 308-8351. The examiner can normally be reached on Monday-Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on (571) 272-6771. The receptionist's phone number for the Technology center is (571) 272-3600.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

F. Zeender  
Primary Examiner, A.U. 3627  
August 29, 2006

  
F. RYAN ZEENDER  
PRIMARY EXAMINER

8/29/06